

R E M A R K S

Status of the Claims

Claims 1-3, 7-10 and 13-16 are pending in this application. Claims 4-6 and 11-12 have been canceled. No claims have been added. Claims 1 and 13 have been amended to incorporate the subject matter of claim 12. No new matter has been added by the above claim amendments.

Rejection under 35 USC 112, first paragraph

The Examiner rejects claims 1-16 as not enabled by the specification. The Examiner contends that essential elements of the invention are not recited in the claims. Applicants traverse the rejection and respectfully request the withdrawal thereof.

Applicants incorporate by reference the arguments regarding enablement submitted in the Reply filed on August 29, 2001.

Applicants submit that the present invention is fully disclosed and enabled in the specification. The present invention is directed to a multilayer film comprising two outer layers and at least one inner layer interposed between the outer layers, wherein the inner layer is from 20 to 90% of the thickness of the multilayer film, and wherein the multilayer film: (i) is

uniaxially oriented in a machine direction; (ii) said two outer layers contain a propylene based resin and said inner layer contains at least one ethylene based resin selected from the group consisting of low density polyethylene, a copolymer of ethylene with at least one  $\alpha$ -olefin having 3 to 10 carbon atoms, a copolymer of ethylene with vinyl acetate, a copolymer of ethylene with an acrylic acid ester and a copolymer of ethylene with a methacrylic acid ester; and (iii) has (a) a tear strength in a machine direction of not less than about 30 kg/cm, and (b) a tensile breaking point elongation in a machine direction of not more than about 150%. The present invention is also directed to a roll of self-tacky wrapping of the multilayer film.

The material of the outer layers is limited to a propylene based resin and the inner layer is limited to specific ethylene based resin. The melting temperatures of these materials are within the specific range described in the claims. Page 15, lines 17-20 of the specification describes that the orientation temperature in the uniaxial orientation is preferably from about 90 to 140°C. This temperature range substantially corresponds to a range higher than the melting temperatures of propylene based resins. This orientation temperature is the key to the advantages obtained by the present invention. One of ordinary skill in the art would be able to practice the presently claimed

invention from the disclosure in the specification without undue experimentation. As such, Applicants respectfully request that the rejection be withdrawn.

**Rejection under 35 USC 103(a)**

The Examiner rejects claims 1-16 as obvious over Meilhon et al. USP 5,356,677 (Meilhon '677) in view of Applicants' alleged admission. Applicants traverse the rejection and respectfully request the withdrawal thereof.

Meilhon '677 discloses a shrinkable thermoplastic packaging film having a tear strength in the machine direction that is at least twice the tear strength in the transverse direction. The multilayer film in Meilhon '677 comprises at least one layer of olefinic polymer and at least one layer of ionic copolymer. The ionic copolymer disclosed in Meilhon '677 is one selected from the list described at column 3, lines 11-23. These ionic copolymers are different from the ethylene based resins recited in claim 1. Meilhon '677 fails to disclose or suggest that the film is a combination of the outer layers composed of a propylene based resin and an inner layer that is composed of specific ethylene based resin.

In light of the deficiencies in Meilhon '677, Applicants submit that Meilhon '677 in combination with any alleged admission still does not disclose or suggest each and every limitation of the present invention. As such, Applicants respectfully request that the rejection be withdrawn.

### Conclusion

As Applicants have addressed and overcome all rejections in the Office Action, Applicants respectfully request that the rejections be withdrawn and that the claims be allowed.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants respectfully petition for a three (3) month extension of time for filing a reply in connection with the present application, and the required fee of \$930.00 is attached hereto.

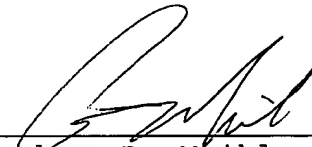
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Kecia Reynolds (Reg. No. 47,021) at the telephone number of the undersigned below.

Appl. No.09/442,416

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
Andrew D. Meikle, #32,868

ADM/KJR:bmp  
2185-0382P

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

Attachment(s) :